
Appeal Decisions

Site visit made on 13 July 2020

by Kenneth Stone BSC Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2020

Appeal A: APP/L5810/W/20/3246430

St Michaels Convent 56 Ham Common Ham Richmond TW10 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Beechcroft Developments Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/0607/FUL, dated 22 February 2019, was refused by notice dated 20 December 2019.
 - The development proposed is the insertion of three openings in boundary wall along Martingales Close.
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Appeal B: APP/L5810/Y/20/3246428

St Michaels Convent 56 Ham Common Ham Richmond TW10 7JH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Beechcroft Developments Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/2473/LBC, dated 9 August 2019, was refused by notice dated 20 December 2019.
 - The works proposed are the formation of three gated openings in boundary wall along Martingales Close.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the insertion of three openings in boundary wall along Martingales Close at St Michaels Convent 56 Ham Common Ham Richmond TW10 7JH in accordance with the terms of the application, Ref 19/0607/FUL, dated 22 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable: AA6250 R2-2084 REV B and unnumbered sketch entitled "Proposed Sliding Gate Mechanism Orford Place Ham" received on 13 May 2019 and AA6250 R2- 2085 REV D and AA6250 R2-2086 REV D received on 18 November 2019.

- 3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and approved drawings.

Appeal B

2. The appeal is allowed and listed building consent is granted for the formation of three gated openings in boundary wall along Martingales Close at St Michaels Convent 56 Ham Common Ham Richmond TW10 7JH in accordance with the terms of the application Ref 19/2473/LBC, dated 9 August 2019 and the plans submitted with it subject to the following condition.

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Procedural matters

3. The proposals seek planning permission and listed building consent for the formation of three pedestrian access gates, to serve five properties, in the boundary wall of St Michaels Convent which includes listed buildings (Orford Hall St Michaels Convent and The Cottage) and is located in a Conservation Area (Conservation Area No.7 Ham Common) (HCCA).
4. I have therefore had special regard to my statutory duties under sections 16(2), 66(1) and 72(1) under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

5. The main issues are:
6. In respect of appeals A and B:
 - a) Whether the proposal would preserve the grade II listed buildings Known as Orford Hall St Michaels Convent and The Cottage or their setting or any features of special architectural or historic interest which they possess.
7. In addition, in respect of Appeal A only:
 - b) The effect of the proposed development on the character and appearance of the HCCA and on the setting of nearby listed buildings.

Reasons

8. The development plan for the area includes the London Borough of Richmond Local Plan in which policies LP1 and LP3 seek to protect areas of high quality and the retention and preservation of Listed Buildings. Site SA 17 is a specific designation related to St Michaels Convent site. The Ham and Petersham Neighbourhood Plan, also part of the development plan, includes policy 06 which again deals specifically with St Michaels Convent including restrictions on any new vehicle access points.

Listed Building

9. The listed buildings which form part of the St Michaels Convent site derive their significance from their age, architectural quality and representation of the development and social history of the area. They have evidential value related

to the architectural, artistic and historic record for design quality, construction and past uses. The Cottage was a former stable block for Orford Hall, which was a large early C18 private residence which was subsequently extended.

10. The existing boundary wall encloses and provides seclusion for the extensive grounds and thereby contributes to the setting and significance of the property providing evidence of its previous occupant's stature and prominence.
11. The Applicant questions whether the wall is protected and suggests it is neither part of the Cottage as an attachment or part of Orford Hall as a feature within its curtilage at the time of listing. Whilst there is some evidence in respect of the dating of the wall close to the effective date this is not conclusive. It may be that the wall was constructed after the listing of Orford Hall but the evidence of its construction and existence around the time of the effective date is less certain. The application has been made and determined and I have therefore considered the appeal on the basis of the information before me.
12. The section of wall in which the proposed openings would be created is however a relatively modern addition with the brick work dating from around the late 1960's. In this regard the materials, bonding, form and appearance are of little historic value. There is some suggestion that the wall is close to an original alignment, but that its location is more related to the 20th century development of the convent and development of Martingales Close. In this regard whilst the purpose and nature of the enclosure and the creation of seclusion are of some importance the physical appearance and form are of less importance.
13. The proposal would result in three narrow pedestrian gates in an extensive length of wall. This would not compromise the sense of enclosure and seclusion created by the boundary feature. Whilst there would be a change in material at the specific points and the gates would be slightly recessed the integrity of a visually imperforate boundary would be retained. The gates would be of a similar height and of a dense material that would not allow views through. The nature of an enclosed boundary would be retained.
14. There are examples of gates in boundaries in the surrounding area and whilst these may have some variations in style, design or context the proposals would not appear out of place and the materials would be generally in keeping. The modern nature of materials would assist in future generations understanding the nature of the insertions but at the same time have little consequence for the function and purpose of the wall to delineate and create a degree of seclusion for the gardens beyond.
15. Overall, I am satisfied that the proposals would not result in the loss of any historic fabric, would not compromise or harm any feature of special architectural or historic interest and would not harm the setting of the listed buildings known as Orford Hall or The Cottage. Consequently the proposals would also not conflict with policies LP1 or LP3 of the Local Plan.

Conservation Area

16. The Ham Common Conservation Area, as its name suggests, centres on Ham Common which dates from at least the 17th century. It plays an important strategic role as part of the wider formal landscape of Ham House and Richmond Park. Ham common green is a large triangular village green with

buildings informally arranged around the perimeter. Orford Hall makes a strong positive contribution to the character and appearance of the conservation area as a focal building within a key view. The boundary wall along Martingales Close forms an important demarcation along the boundary of the conservation area. It provides the St Michaels convent site with an important sense of enclosure and seclusion which contributes both to the character of the conservation area and its appearance.

17. As noted previously however the wall is not historic and not of particular design or aesthetic quality. Its functional sense of enclosure is the solidity of the boundary. The minor insertions of narrow timber pedestrian gates do not, in my view, undermine or significantly detract from that robust appearance of enclosure or seclusion. The lack of accessibility for public access and the solidity of the wall and gates retains the sense of enclosure and seclusion and thereby does not harm the character of the conservation area
18. The proposals would make alterations to a small section of the conservation area on its boundary and would not be viewed in significant or key views. The limited insertions would be neutral impacts and would thereby not result in harm to the appearance of the immediate surroundings or the wider conservation area.
19. Hardwick House, a Grade II listed building lies on the opposite side of Martingales Close to St Michaels convent and is within the Hams Common Conservation Area. The proposed alterations to the wall would be seen in the same context as the boundary to Hardwick House. However, for the reasons I have given above I am satisfied that the limited alterations would have no harmful impact on the setting of this listed building or this section of the HCCA.
20. For the reasons given above I am satisfied that the proposals would not harm the character or appearance of the HCCA which would therefore be preserved. The proposals would comply with relevant policies in the development plan, in particular LP1 and LP2 of the Local Plan and Policy 6 of the Petersham Neighbourhood Plan, no vehicular access is created.

Other matters

21. Concerns have been expressed that the creation of openings in the wall would allow for additional access, servicing and general activity in Martingales Close to the detriment of the character and appearance of the area. I am satisfied that the limited number of openings serving a limited number of units, 5, would not lead to a significant increase in traffic or activity. The comings and goings associated with servicing or accessing the units would be limited. Martingales Close is a quiet suburban cul-de-sac with little activity and parking. This would not substantially change as a result of these proposals. The secondary nature of the access, limited numbers involved and residential nature of the use would ensure there was no substantial increase in activity that would affect highway safety, traffic movements, noise and disturbance or general activity.

Overall conclusions and conditions

22. As I have concluded that the development does not result in harm, meets the statutory duties and would preserve the conservation area and listed buildings I am satisfied that the development is in accordance with the development plan and there are no material considerations that indicate a decision otherwise

would be appropriate it should thereby be approved. Similarly as the listed buildings or their setting or any features of special architectural or historic interest which they possess would be preserved the works should be approved.

23. The Council have suggested three conditions for the planning permission related to the time limit, approved plans and materials. These are all necessary and reasonable given the nature and sensitivity of the location and to ensure there is clarity on what has been granted permission.
24. Given that a condition on materials is proposed on the planning permission there is no need to duplicate this on the Listed Building Consent (LBC). The LBC is granted, in terms, subject to the plans submitted and an approved plans condition is not therefore required.
25. For the reasons given above I conclude that both appeals should be allowed.

Kenneth Stone

INSPECTOR